

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

VICTORIA PETERSON

Plaintiff,

v.

NORTH CAROLINA STATE  
BOARD OF ELECTIONS;  
DURHAM COUNTY  
BOARD OF ELECTIONS;  
ALEJANDRA JAVIERA CABALLERO

Defendants.

Case No. 120 CV 260



**Motion in Opposition  
To Motion to Dismiss**

Victoria Peterson vs. North Carolina State Board of Elections, Durham County Board of Elections, Alejandra Javiera Caballero. On August 4, 2020 I Victoria Peterson (plaintiff) received a motion to dismiss from Alejandra Javiera Caballero (defendant) asking the court to dismiss my complaint that was file on August 24, 2020 and amended the complaint on July 20, 2020. I received a letter from The United States District Court Middle District Clerks Office it states that I have 21 days to respond to this motion to dismiss. I requested from the court additional time to respond to the motion to dismiss from defendant Alejandra Javiera Caballero (defendant) which I was granted the extra days.

Today on September 24, 2020 I am in Opposition To The Motion To Dismiss from Mrs. Caballero (defendant). In the defendants motion she states that the Middle District Court lacks subject matter jurisdiction. I totally disagree with that statement. I reside in the City of Durham County as well as the defendant we both live in the City of Durham. Durham County falls within the jurisdiction of The United States District Court for the Middle District of North Carolina. I am Victoria Peterson the (plaintiff) I am in the right jurisdiction.

Under the Federal Rules of Evidence

Rule 201-(e) Judicial Notice of Adjudicative Facts

**(e) Opportunity to be heard.** On a timely request, a party is entitled to be heard on the propriety of taking judicial notice and the nature of the facts to be noticed. If the court takes the judicial notice before notifying a party, the party, on request, is still in title to be heard.

I Victoria Peterson (plaintiff) am requesting an opportunity to be heard on my motion in opposition to dismiss my complaint. I am also requesting this because, I have a disability my disability falls up under the Americans With Disability Act. I would like to verbally address the court with my complaint.

**The Constitution of the United States:** Amendment 14, Amendment 15, Amendment 19, Amendment 24, Amendment 26, Section 2.

All of these amendments addresses that all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any persons within its jurisdiction the equal protection of the laws.

#### Amendment XV

Section 1. The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous conditions of servitude.

Section 2. The Congress shall have power to enforce this article by appropriated legislation.

The North Carolina State Board of Elections, Durham County Board of election, as a candidate did not protect my candidacy or my vote to make sure that all persons that ran for the Durham city Council were citizens or naturalized to be able to vote and run for office in the Durham City Election in 2019

Date: 09/24/2020

Victoria Peterson

Plaintiff

Mrs. Victoria Peterson  
810 Ridgway Ave  
Durham, North Carolina 27701  
919-949-3867  
vbpeterson53@yahoo.com

CERTIFICATE OF SERVICE

This is to certify that the undersigned as this day served the foregoing notice of Motion in Opposition Motion to Dismiss in the above title action upon all parties to this cause by this posing a copy in the United States mail, postage prepaid to:

Durham County Board of Election  
200 East Main Street  
Durham, N.C. 27702

Attorney Willie S. Darby  
P.O. Box 3508  
200 East Main Street  
Durham, N.C. 27702

This day 24<sup>th</sup> day of September, 2020.

Mrs. Victoria Peterson  
Plaintiff